

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated June 16, 2005. After entry of this amendment, claims 1,2,3,4,6,7,and 8 will be pending in the Application. Claim 5 has been cancelled. Claims 1 and 8 have been amended. Reconsideration and allowance is respectfully requested in view of the remarks made below.

1. The Rejections under 35 U.S.C. § 103 (a)

Claims 1-4 and 7-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. Pat. 772,025 to Hicks in view of U.S. Pat. No. 3,818,521 to Richards. The Examiner claimed that Hicks discloses a conventional bedding mattress comprising an inner core comprising a plurality of interconnected coil springs, an unsecured padding layer made from a cotton felt, a covering comprising a lower fabric panel and a top, clear, vinyl panel, the covering said to be translucent (col. 2, lines 69-70). Richards was said to disclose a mattress layer of flexible netting. The Examiner further stated that the Applicant's choice of making the bottom panel translucent and the top panel of fabric is well known in the art as the Hicks patent would have had that same arrangement after it was flipped. The Examiner further rejected claims 5 and 6 under 103(a) as being unpatentable over Hicks, Richards and Yokoi, where it was said that Hicks, as modified, discloses all of the Applicant's claimed limitations except for the intermediate layer comprised of polyester, of which Yokoi discloses an intermediate layer of polyester.

The Applicant disagrees with the Examiner's analysis that present invention is obvious based upon the combination of Hicks and Richards as showing all of the features of the present invention. The patents cited by the examiner predate the discovery of the compressed fiber fill polyester that is used in the present invention as its sole form of padding. The use of compressed

fiber fill is the key to the present invention being capable of passing light through the padding layer and into the top cover of the mattress. Claim 1 has been amended to add the limitation that the padding layer must be comprised of compressed polyester fiberfill.

None of the cited patents either alone or in combination teach a combination of mattress elements that will allow a source of light placed underneath the mattress to illuminate upwardly through all of the mattress elements to illuminate the top panel of the mattress. Hicks cannot be said to teach about the art of mattress illumination as the basic structural construction of Hicks teaches away from that art as Hicks' mattress structure contains several layers of components that do not allow the passage of light through them even if the entire mattress cover was constructed of clear vinyl. First of all, Hicks' internal structure is comprised of a top and bottom mattress padding sections that are disposed above and below the spring nest, meaning that light would have to pass through each of these sections. That basic construction teaches away from the present invention's mattress construction as the present invention only comprises a top layer, thus negating the problem of passing light through another padding section while trying to ensure that enough light, if any, is available to illuminate the top panel of the mattress cover. Moreover, Hicks' top and bottom padding layers are identical and each is comprised of a hessian layer that rests on the springs, a coarse fiber layer on top of the hessian and a substantial outer padding layer that is comprised of a combination cotton and felt or wool and felt. A hessian layer and a coarse fiber layer might allow the passage of some light. Hicks states that each padding layer is comprised of a combination of felt and cotton, or felt and wool. Contrary to the Examiner's claim that felt is inherently translucent, a layer of felt as thin as a $\frac{1}{4}$ of an inch does not pass light because of its natural density. Felt is not a woven fabric, rather, it is a non-woven fabric that is formed by compressing various fibers together under pressure to form a substantially denser and

tighter material when compared to woven materials, which easily pass light. Considering that Hicks has two such non-translucent layers, Hicks can be said to disclose or teach the concept of how to construct a mattress structure which will allow illumination of the top panel of the cover. Alternatively, Hicks mentions that each of the padding layer may be constructed of foam rubber which does not pass light either, as clearly set forth numerous times with the Applicant's written specification.

The Richards reference on the other hand, relates to a fire-proof mattress cover and not to a mattress construction suitable for illumination or to mattress components that might complement other mattress components such as those in Hicks so as to create a mattress suitable for illumination purposes. Richards discloses (Col.5, line 28, & preamble of Claim 1) that its fire-proof cover is intended for use with a mattress having a support structure (coil springs) having an upper and lower coverings (preamble of Claim 1) of the coil springs. There is no mention of the construction of the lower cover, but the upper cover of Richards is said to be comprised of a padding layer on top of the spring which is relatively thick, and that this layer is comprised of cotton, foam rubber, or foam plastic. (Col. 5, lines 31-35) The claims mention this layer as being substantially thick. All of these padding materials are mentioned in the Applicant's specification as materials that do not pass light and not worthy of choice for a mattress when one is trying to conduct light upwardly through the mattress elements to the top surface of the mattress. Furthermore, Richards discloses that its fire-proof, top cover is comprised of a netting, the substantial padding layer and a lamination layer. The lamination layer was said to be comprised of an opaque metallic foil, and a cloth material attached to an upper side of the metallic foil. In another embodiment the fire-proof cover may includes a foam layer of $\frac{1}{4}$ to $\frac{1}{2}$ inch thickness inserted on top of the metallic layer. The metallic layer of

Richards is uniformly solid, which of course, would never facilitate the passage of light and even if it was perforated with openings that were 1/64 to 1/8 of an inch, the foam rubber layer on top of the metallic layer would absorb any light that filtered through the perforations. upwardly through the thick layers of felt and cotton. Of course, as the Applicant has already discovered, no light would even pass through the thick layers of felt and cotton. Therefore, no light would reach the bottom of the metallic foil anyway, therefore, whether the foil was present or not would become a moot point. It is clear that Richards' use of substantial layers of cotton and felt combinations, layers of foam rubber or plastic foam, and a metallic layer does nothing but teach away from the illumination concepts of the present invention, which constantly emphasizes within its written specification that thick layers of standard cotton padding and/or foam and plastic rubbers cannot be used to accomplish illumination of the top panel of the mattress's cover, as these materials either alone or in combination, do not conduct light through the material in thicknesses found in mattresses.

The Applicant has amended claims 1 and 8 to incorporate new language that the padding layer of the present invention's mattress is comprised of compressed fiber fill polyester. All of the patents cited by the examiner predated the discovery of the compressed fiber fill polyester that is used in the present invention, which also means that the polyester of Yokoi is not the same allowable subject matter found within claim 1, therefore, it is believed that claim 13 should also be considered allowable too for the same reasons as stated above.

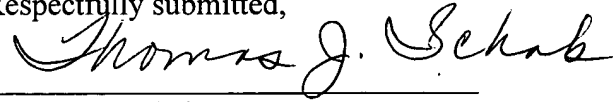
2. Conclusion

Applicant has amended the application to place it in a condition of allowance. If the Examiner feels that a telephone interview would expedite prosecution of this application, he is

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respectfully invited to telephone the undersigned at 708-420-1971.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas J. Schab", written over a horizontal line.

Date: November 16, 2005

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